

**PATENT**

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence for Application No. 10/700,738 is being electronically transmitted via EFS-WEB on May 27, 2008.

/kurt l grossman/ May 27, 2008  
Kurt L. Grossman, Reg. No. 29,799 Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/700,738  
Filed: November 4, 2003  
Group Art Unit: 3767  
Examiner: Elizabeth R. MacNeill  
Applicant: Brian Pope et al.  
Title: **SYRINGE PUMP RAPID OCCLUSION DETECTION SYSTEM**  
Attorney Docket: MDX-297  
Confirmation No.: 4966

Cincinnati, Ohio 45202

May 27, 2008

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed February 25, 2008, which finally rejected claims 1-3, 5-36, and 46-80. Because May 25, 2008 was a Sunday, and May 26, 2008 was a Federal Holiday (Memorial Day), this Notice of Appeal should be considered timely filed under 37 C.F.R. §1.7(a).

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

- ☒ other than a small entity.  
☐ a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

- |                                     |                           |                 |
|-------------------------------------|---------------------------|-----------------|
| <input type="checkbox"/>            | small entity              | \$255.00        |
| <input checked="" type="checkbox"/> | other than a small entity | \$510.00        |
|                                     | Notice of Appeal fee due  | <u>\$510.00</u> |

Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

- (a)\_\_\_ Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
___	one month	\$ 120.00	\$ 60.00
___	two months	\$ 460.00	\$230.00
___	three months	\$1,050.00	\$525.00
___	four months	\$1,640.00	\$820.00
___	fifth month	\$2,230.00	\$1,115.00

Fee \_\_\_\_\_

- \_\_\_ Attached is a check in the amount of \$ \_\_\_ for the three month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_ An extension for \_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_.

**OR**

(b) X Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

3. Total Fee Due

The total fee due is:

Notice of Appeal fee \$510.00.

Total Fee due \$510.00

4. Fee Payment

\_\_\_ Attached is a check is the sum of \$\_\_\_

\_\_\_ The Commissioner is hereby authorized to charge the amount of \$\_\_\_ for the appeal fee to Deposit Account No. 23-3000.

X The appeal fee in the amount of \$510.00 is being submitted concurrently with this communication by credit card payment.

5. Fee Deficiency

X Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P

By: /kurt l grossman/  
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